

Regarding the IDS filed June 25, 1998, our records indicate that copies of the cited references were provided. If any of the cited references are missing, Applicant requests that the Examiner indicate which references are needed.

With respect to the Section 102(e) rejection of claim 1, Applicant respectfully traverses. The claimed invention is directed to an arrangement that includes a processing unit adapted to determine whether to access the Internet in response to audio information sourced from a telephone. The cited embodiment of the '984 reference (FIG. 63) is directed to a computer that routes a telephone call via either the Internet or a telephone switching system based upon a selection from a user (col. 101, lines 6-28). The user determines which telephone route to use and signals the CPU 6303 whether to connect as a normal phone call or as an Internet call. The cited embodiment of the '984 reference does not teach or suggest this claimed subject matter.

In regard to the Section 103 rejections, in addition to the above-mentioned limitation deficiencies, Applicant respectfully submits that the standards to which the Examiner takes Office Notice do not necessarily establish the motivational connectivity required to be combined with the '984 reference, and the stated motivation ("to provide an efficient data transmission system based upon the system specification and requirement for users") is lacking in that it uses the hindsight of the instant application (which defines the system specification and requirement for users) to form the alleged motivation required for the combination. As the Examiner has not responded to this issue, as presented in the Office Action Response and Amendment mailed on December 10, 1999, Applicant maintains that the stated motivation is improper. For these reasons and to offset a presumed acquiescence to the substance of the §103 rejection (as indicated in the MPEP), Applicant requests clarification and full evidence in support of the rejection, should it be maintained.

In view of the above, Applicant submits that each of the claims has been patentably distinguished from the cited references and requests that the rejections be removed. It is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejections, along with a favorable response, are earnestly requested.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at 651/686-6633.

CRAWFORD PLLC  
1270 Northland Drive, Suite 390  
St. Paul, Minnesota 55120  
(651) 686-6633  
Fax: (651) 686-7111

By: 

Name: Robert J. Crawford

Reg. No.: 32,122